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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,667	02/14/2002	Eric B. Fleegal	MS1-875US	1705
22801	7590	11/15/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			FOWLKES, ANDRE R	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,667	FLEEGAL, ERIC B.	
	Examiner	Art Unit	
	Andre R. Fowlkes	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-22 and 38-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-22 & 38-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/06 has been entered.
2. Claims 13-22 & 38-48 are pending. Claims 13 and 38, have been amended. New claim 48 has been added.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13-22 and 38-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Selkirk, SchemaCoder, 7/2001 (art made of record).

As per claim 13, Selkirk discloses **one or more computer readable media having stored thereon a plurality of instructions that, when executed by a transformation engine**, (p. 17:10-14, "SchemaCoder takes a schema using the W3C XML-Schema standard, validates it, and if successful, creates C++ code"), **causes the transformation engine to:**

- **access a plurality of constructs in an application programming interface description, wherein the description is written in an extensible markup language (XML) format** (p. 17:10-14, "SchemaCoder takes a schema (i.e. an API written in XML) using the W3C XML-Schema standard, validates it, and if successful, creates C++ code"),

- **transform each of the plurality of constructs into computer executable instructions and declarations for a component object module (COM) application programming interface header file** (p. 17:15-16, "The C++ created is in fact a number of COM components. This allows easy integration of the generated code into projects and applications"),

As per claim 14, the rejection of claim 13 is incorporated and further, Selkirk discloses that **the transformation engine comprises a series of instructions executed by one or more processors** (p. 17:10-14, "SchemaCoder takes a schema (i.e. an API written in XML) using the W3C XML-Schema standard, validates it, and if successful, creates C++ code").

As per claim 15, the rejection of claim 13 is incorporated, and further Selkirk discloses that **the plurality of instructions include instructions to:**

- **check an attribute of a declare enumeration construct of the plurality of constructs to determine whether a declare enumeration construct is to be transformed into a series of manifest constants or into a component object model enumeration declaration** (p. 17:10-14, "SchemaCoder takes a schema using the W3C XML-Schema standard, validates it (i.e. checks an attribute of a declare enumeration construct), and if successful, creates C++ code"),

- **transform the enumeration construct into either the series of manifest constants or the component object model enumeration declaration based on the checking** (p. 17:10-14, "SchemaCoder takes a schema (containing enumeration constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ (manifest constants or enumeration declarations)", and p. 17:15-16, "The C++ created is in fact a number of COM components (and header files). This allows easy integration of the generated code into projects and applications"),

As per claim 16, the rejection of claim 13 is incorporated, and further Selkirk discloses **instructions to transform a declare enumeration construct into a series of manifest constants** (p. 17:10-14, "SchemaCoder takes a schema (containing declare enumeration constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ code (containing a series of manifest constants)").

As per claim 17, the rejection of claim 13 is incorporated, and further Selkirk discloses **instructions to transform a declare enumeration construct into a component object model enumeration declaration** (p. 17:10-14, "SchemaCoder takes a schema (containing declare enumeration constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ (component object model enumeration declarations)").

As per claim 18, the rejection of claim 13 is incorporated, and further Selkirk discloses **instructions to transform a declare function construct into a component object model function declaration** (p. 17:10-14, "SchemaCoder takes a schema (containing declare function constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ (component object model function declarations)").

As per claim 19, the rejection of claim 13 is incorporated, and further Selkirk discloses **instructions to transform a declare class object construct into a component object model class object ID declaration** (p. 17:10-14, "SchemaCoder takes a schema (containing declare class object constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ (component object model class object ID declarations)").

As per claim 20, the rejection of claim 13 is incorporated, and further Selkirk discloses **instructions to transform a declare interface construct into a component object model forward class declaration** (p. 17:10-14, "SchemaCoder takes a schema (containing declare interface constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ (component object model forward class declarations)").

As per claim 21, the rejection of claim 13 is incorporated, and further Selkirk discloses **instructions to transform a declare data structure construct into a component object model data structure declaration** (p. 17:10-14, "SchemaCoder takes a schema (containing declare data structure constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ (component object model data structure declarations)").

As per claim 22, the rejection of claim 13 is incorporated, and further Selkirk, discloses **instructions to transform a declare macro construct into a component object model manifest constant**, (p. 17:10-14, "SchemaCoder takes a schema (containing declare macro constructs) using the W3C XML-Schema standard, validates it, and if successful, creates C++ (component object model manifest constants)").

As per claims 38-47, this is another computer readable medium version of the claimed medium discussed above, in claims 15 and 18-22, wherein all claimed

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limitations have also been addressed and/or cited as set forth above. For example, see Selkirk, p. 17:1-16.

As per claim 48, the rejection of claim 13 is incorporated and further, Selkirk discloses that **the COM application programming interface header file comprises a C/C++ header file**, (p. 17:10-14, "SchemaCoder takes a schema (i.e. an API written in XML) using the W3C XML-Schema standard, validates it, and if successful, creates C++ code", and p. 17:15-16, "The C++ created is in fact a number of COM components (and header files). This allows easy integration of the generated code into projects and applications").

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARF



TUAN DAM
SUPERVISORY PATENT EXAMINER